

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Petition of the)	
Connecticut Department of Public Utility Control)	
for Authority to Conduct a Transitional)	CC Docket No. 99-200
Service Technology Specific Overlay Trial)	
In Connecticut)	DA 02-1292

**COMMENTS OF THE CELLULAR TELECOMMUNICATIONS & INTERNET
ASSOCIATION**

The Cellular Telecommunications & Internet Association (“CTIA”),¹ hereby submits its comments on the Supplemental Information filed by the Connecticut Department of Public Utility Control (“CT DPUC”) for additional delegated authority to implement a transitional service technology-specific service overlay (“SO”).² The CT DPUC’s request should be denied because it fails to comport with the standards for such

¹ CTIA is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the association covers all Commercial Mobile Radio Service (“CMRS”) providers and manufacturers, including cellular, broadband PCS, ESMR, as well as providers and manufacturers of wireless data services and products.

² See *Wireline Competition Bureau Seeks Comment on the Supplemental Information to the Supplemental Petition of the Connecticut Department of Public Utility Control for Authority to Conduct a Transitional Service Technology-Specific Service Overlay*, CC Docket No. 99-200, NSD File No. L-02-03 (rel. Feb. 6, 2002) (“*Public Notice*”); *Petition of the Connecticut Department of Public Utility Control for Authority to Implement a Transitional Service/Technology-Specific Overlay in Connecticut*, CC Docket No. 99-200 (Jan. 18, 2002) (“CT DPUC Petition”).

overlays established in the *Third Report and Order* in this docket.³ Furthermore, the Commission's grant of the proposed overlay would frustrate the Commission's numbering resource optimization policy. Finally, given the fact that CMRS carriers are preparing to meet the Thousands-Block Number Pooling mandate on November 24, 2002, the relief sought by the CT DPUC will be moot before any action by the Commission could be implemented by the North American Numbering Plan Administrator and the public educated about a new dialing plan in Connecticut.

I. INTRODUCTION

In March 2001, the CT DPUC originally sought permission to deploy a transitional overlay to serve non-LNP capable carriers.⁴ On January 18, 2002, following the release of the *Third Report and Order*, the CT DPUC supplemented its request to attempt to address each of the eight factors set forth by the Commission.⁵ Again in May, in response to the issues raised by CTIA and other commenters, the CT DPUC made a Supplemental Information filing ("Supplemental Petition") to support its request for

³ *Numbering Resource Optimization, Third Report and Order, CC Docket No. 99-200 (rel. Dec. 28, 2001) ("Third Report and Order")*.

⁴ *See Petition of the Connecticut Department of Public Utility Control for Authority to Implement a Transitional Service/Technology-Specific Overlay in Connecticut, CC Docket No. 99-200 (March 12, 2001)*.

⁵ *Third Report and Order* at ¶81. The eight criteria include: (1) the technologies or services to be included in the SO; (2) the geographic area to be covered; (3) whether the SO will be transitional; (4) when the SO will be implemented and, if a transitional SO is proposed, when the SO will become an all-services overlay; (5) whether the SO will include take-backs; (6) whether there will be 10-digit-dialing in the SO and the underlying area code(s); (7) whether the SO and the underlying area code(s) will be subject to rationing; and (8) whether the SO will cover an area in which pooling is taking place.

authority to implement a SO.⁶ As described below, the CT DPUC Supplemental Petition suffers from the same procedural inadequacies and frustrates the Commission's numbering resource conservation goals.

II. DISCUSSION

The CT DPUC has again failed to sufficiently address the eight specific factors required to “enable the Commission to examine the feasibility of SOs in a particular area, and determine whether the Commission's stated goals are likely to be met if the SO is implemented.”⁷ In particular, the CT DPUC has failed to demonstrate that implementation of the proposed SO is superior to the implementation of an all-services overlay; that it has properly identified the specific technologies that will be placed in the proposed SO; and that a one-year waiver is justified given the anti-competitive effects of postponing ten-digit dialing. As CTIA and others previously stated in this proceeding, the CT DPUC's March 12 Petition failed to meet these requirements and the Commission should only grant authority to state commissions to implement SOs where it is a justifiable alternative to more traditional forms of area code relief.⁸

A. The Technology-Specific Overlay is Not Superior to an All-Services Overlay.

The CT DPUC has failed to provide sufficient detail that would show “why the numbering resource optimization benefits of the proposed SO would be superior to

⁶ See *Petition of the Connecticut Department of Public Utility Control for Authority to Implement a Transitional Service Technology Specific Overlay Trial—Supplemental Information*, CC Docket No. 99-200 (May 9, 2001) (“CT DPUC Supplemental Petition”).

⁷ *Third Report and Order* at ¶81.

⁸ CTIA Comments (Feb. 26, 2002); Sprint Opposition at 12-15 (Feb. 26, 2002); Verizon Wireless Comments (Feb. 26, 2002).

implementation of an all-services overlay.”⁹ The CT DPUC generally asserts “SOs are preferable to all-services overlays”¹⁰ because “exhaust of the underlying code would be delayed.”¹¹ In reality, the premature assignment of such an area code would accelerate the exhaust of the North American Numbering Plan (“NANP”). Since the proposed SO would involve the activation of a new NPA code while numbering resources will go unused within the existing NPA, the CT DPUC’s proposal contradicts the Commission’s rules for numbering resource conservation.¹² Not only has the CT DPUC failed to explain how the proposed SO is superior to an all-service overlay, it also has failed to justify the inefficient use of numbering resources.

Furthermore, the state commission claims that “public demand” is possibly the greatest factor supporting the implementation of the proposed overlay. However, the CT DPUC has not demonstrated that the Connecticut public demands a SO over other number utilization measures. It appears that only a handful of consumers expressed support for the proposed overlay among Connecticut’s 3.4 million residents (and the 1.2 million Connecticut residents who subscribe to wireless service).¹³

⁹ *Third Report and Order* at ¶81.

¹⁰ CT DPUC Supplemental Petition at 1.

¹¹ CT DPUC Supplemental Petition at 2.

¹² A new NPA code contains approximately 8 million numbers. In contrast, Connecticut has approximately 3.4 million residents.

¹³ See Sprint Ex Parte Letter, to Dorothy Attwood, Chief, Wireline Competition Bureau, Thomas Sugrue, Chief, Wireless Telecommunications Bureau, from Luisa Lancetti (May 21, 2002) at 2-3 (describing the “public comment” at the CT DPUC’s area code relief hearings conducted in 1998).

In short, neither the CT DPUC's claim that the public demands an SO nor the claim that activating a new relief code will delay the exhaust date of existing area codes are adequate to justify grant of the CT DPUC request.

B. The Specific Technologies and Services To Be Placed in the Proposed SO Are Contradictory.

The CT DPUC has failed to identify the specific technologies and services that will be placed in the proposed SO, as is required under the Commission's rules.¹⁴ In its Supplemental Petition, the CT DPUC stated its intent to "conduct workshops with the wireline and wireless industries to identify the applicable services that should be included in the Connecticut SO."¹⁵ At the same time, it is unclear whether the CT DPUC's proposed overlay even applies to wireless carriers since the proposal allows wireless carriers to take numbers from existing area codes. The CT DPUC has repeatedly affirmed that pooling carriers will have access to numbering resources in the underlying NPA "just as they would if the Connecticut SO was not implemented."¹⁶

As CTIA stated in its Comments, given the fact that CMRS carriers are preparing to meet the Thousands-Block Number Pooling mandate on November 24, 2002, the relief sought by the CT DPUC will be moot before any action by the Commission could be implemented by the North American Numbering Plan Administrator and the public educated about a new dialing plan in Connecticut. Thus, it appears that the CT DPUC is requesting a SO for "certain wireline services,"¹⁷ ATM lines and unified messaging

¹⁴ *Third Report and Order* at ¶82.

¹⁵ CT DPUC Supplemental Petition at 4.

¹⁶ CT DPUC Supplemental Petition at 5; CT DPUC Petition at 7.

¹⁷ *See* CT DPUC Supplemental Petition at 3-4.

services, which have a very low utilization rate of NXX codes. The Commission should deny the CT DPUC's request for authority to implement the proposed overlay since opening an NPA code for such services would be wasteful and grossly inefficient.

C. A One-Year Waiver of Ten-Digit Dialing is Anti-competitive.

The CT DPUC has requested a one-year waiver of the Ten-Digit Dialing ("TDD") rule to allow it to implement a consumer education program.¹⁸ While consumer education is important, the CT DPUC's twelve-month request is excessive.¹⁹ If a state commission decides to implement an area code overlay, section 52.19(c)(3)(ii) of the Commission's rules requires ten-digit dialing to be implemented within and between all area codes in the geographic area covered by the overlay area code.²⁰ The Commission adopted the ten-digit dialing requirement primarily to ensure that competition is not harmed as a result of a dialing disparity.²¹

The CT DPUC has failed to demonstrate any special circumstances warranting a waiver and has not explained how its request for a one-year waiver is justified given the anti-competitive effects of seven-digit dialing. The Commission has recognized the benefits of numbering resource optimization when an overlay is implemented and that

¹⁸ CT DPUC Supplemental Petition at 6-7.

¹⁹ See Sprint Ex Parte Letter at 5-6 (citing the four-month permissive dialing period, before TDD became mandatory, adopted by the Colorado PUC for the Denver metropolitan area).

²⁰ See 47 C.F.R. § 52.19(c)(3)(ii).

²¹ *The Amended Citizens Utility Board Petition for Expedited Permanent Waiver of 47 C.F.R. § 52.19(c)(3)(ii), Order*, CC Docket No. 96-98 (March 11, 2002) at ¶7.

TDD “minimizes anti-competitive effects due to dialing disparities, which, in turn, avoids consumer confusion.”²²

III. CONCLUSION

For these reasons, CTIA respectfully requests that the Commission deny the CT DPUC’s request for authority to implement a service overlay.

Respectfully submitted,

/s/ _____

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²² *Third Report and Order* at ¶92.